International Seabed Authority ISBA/24/A/3

Assembly

Distr.: General
8 May 2018

Original: English

Twenty-fourth session
Kingston, 2–27 July 2018
Item 6 of the provisional agenda*
Consideration of requests for observer status in accordance with rule 82, paragraph 1 (e), of the rules of procedure of the Assembly

Application process and other procedures for non-governmental organizations under rule 82, paragraph 1 (e), of the rules of procedure of the Assembly

Note by the secretariat

1. To date, the Assembly has invited 25 non-governmental organizations to participate as observers in its work in accordance with rule 82, paragraph 1 (e), of its rules of procedure.[1] That rule provides for such participation by non-governmental organizations with which the Secretary-General has entered into arrangements in accordance with article 169, paragraph 1, of the United Nations Convention on the Law of the Sea and other non-governmental organizations invited by the Assembly that have demonstrated their interest in matters under consideration by the Assembly.

2. Paragraphs 5 and 6 of the same rule further provide that observers referred to in paragraph 1 (e) of that rule may sit at public meetings of the Assembly and, upon the invitation of the President and subject to approval by the Assembly, may make oral statements on questions within the scope of their activities, and that written statements submitted by observers referred to in paragraph 1 (e) of that rule within the scope of their activities which are relevant to the work of the Assembly should be made available by the secretariat in the quantities and in the languages in which the statements are submitted.

3. In addition, under rule 75 of the rules of procedure of the Council, upon the invitation of the Council, observers referred to in rule 82 above may designate representatives to participate, without the right to vote, in the deliberations of the Council on questions affecting them or within the scope of their activities.

4. The Assembly generally considers applications for observer status as an agenda item at the opening meeting of each annual session. The application is submitted to the Assembly as a note by the secretariat including, without modification, the letter

* ISBA/24/A/L.1.

[1] A list of observers admitted under rule 82 is available from www.isa.org.jm/observers.

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from the applicant together with supporting information in a standard format. To date, the process has been adequate. In the case of one application submitted for consideration at the twenty-third session, however, a number of delegates expressed concern over the lack of information provided by the applicant, which did not allow a proper assessment of its merits. The Assembly agreed to defer the decision on that application until full information, in the standard format in an official document, had been received for its consideration (ISBA/23/A/14, para. 8).

5. The Assembly has not adopted guidelines or objective criteria according to which it can assess the merits of applications for observer status under rule 82 of the rules of procedure, in particular whether applicants have demonstrated their interest in matters under consideration by the Assembly, apart from a simple review of the information provided by them. Other international organizations, such as the International Maritime Organization, provide for more detailed requirements in the form of guidelines that include criteria for assessing the merits of applications and the objectives and activities of applicants, together with a periodic review of non-governmental organizations granted observer status to determine whether the continuation of that status is merited.[2]

6. In view of the growing interest in the work of the Authority and that of its organs, evidenced by an increase in recent years in the number of applications to the Assembly for observer status, the Assembly may wish to consider adopting similar guidelines.

7. Should the Assembly wish to adopt such guidelines, the secretariat will consider comparable procedures for the Authority and submit draft guidelines to the Assembly for its review and consideration at the twenty-fifth session.

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[2] International Maritime Organization, Rules and guidelines for consultative status of non-governmental international organizations with the International Maritime Organization, 4 December 2013.